

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

ECF Case

- against -

DAVID BERGSTEIN,

NOTICE OF MOTION

Defendant,

No. 16 Civ. 8701 (AJN)

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PLEASE TAKE NOTICE that upon the Complaint in the above-captioned action; the Indictment in criminal case *United States v. David Bergstein*, 16 Cr. 746 (PKC) (the "Criminal Case"); and the accompanying memorandum of law, the United States of America, by its attorney Preet Bharara, United States Attorney for the Southern District of New York, and Edward A. Imperatore and Robert W. Allen, Assistant United States Attorneys, will move this Court for an order (i) to intervene in the above-captioned case, pursuant to Rule 24 of the Federal Rules of Civil Procedure, and (ii) to stay this matter in its entirety until the conclusion of the Criminal Case, as well as for such other relief as the Court deems just and proper.

Dated: New York, New York  
December 1, 2016

PREET BHARARA  
United States Attorney

By: /s/  
Edward A. Imperatore  
Robert W. Allen  
Assistant U.S. Attorneys  
212-637-2327/2216